

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FORT DEFIANCE INDIAN HOSPITAL
BOARD, INC.,

Plaintiff,

vs.

No. 24-cv-00606 KG/JMR

XAVIER BECERRA, SECRETARY, U.S.
DEPARTMENT OF HEALTH AND HUMAN
SERVICES, and UNITED STATES OF
AMERICA,

Defendants.

ORDER

THIS MATTER comes before the Court on Plaintiff Fort Defiance Indian Hospital Board, Inc.’s Notice of Related Case, (Doc. 9), filed on June 21, 2024. Defendants Xavier Becerra and the United States filed a response on July 3, 2024, (Doc. 11). Plaintiff filed its reply on July 8, 2024, (Doc. 13). Having considered the briefing and applicable law, the Court denies Plaintiff’s request to reassign this case and denies, as moot, Defendants’ Motion for Leave to File a Surreply, (Doc. 17).

At the outset, the Court construes Plaintiff’s Notice of Related Case as a motion to transfer. Plaintiff suggests the Court reassign this case to District Judge James Browning and Magistrate Judge Gregory Fouratt because they were assigned to a previous—now closed—related case. (Doc. 9) at 1. As a result, Plaintiff contends Judge Browning and Magistrate Judge Fouratt are familiar with the parties’ contract documents and “some of the overlapping facts concerning contract support costs [are] likely to be at issue in this action.” *Id.* at 2. Plaintiff

concedes, however, that Judge Browning did not address “the issue of reimbursing tribal contract support costs incurred when spending third-party revenues collected in the course of operating a contract under Indian Self-Determination and Education Assistance Act.” (Doc. 13) at 3. This issue appears to be exactly what Plaintiff complains of in this case. *See* (Doc. 1). Moreover, contrary to Plaintiff’s intimation, it is of no consequence that Judge Browning addressed this precise issue in an unrelated case. *See* (Doc. 13) at 3.

As Defendants note, in the District of New Mexico, Local Civil Rule 73.1(c) governs the process by which a District Judge is randomly assigned to a case. (Doc. 11) at 1 (citing D.N.M.LR-Civ. 73.1(c)). The Court agrees with Defendants that this rule “guarantees fair and equal distribution of cases to all judges, avoids public perception or appearance of favoritism in assignments, and reduces opportunities for judge-shopping.” *Id.* (quoting *J&K Prods., LLC v. Small Bus. Admin.*, 589 F. Supp. 3d 95, 97 (D.D.C. 2022)). Thus, the Court declines to transfer this case.

IT IS, THEREFORE, ORDERED that Plaintiff’s requested relief is DENIED and Defendants’ Motion for Leave to File a Surreply is DENIED as moot.


UNITED STATES DISTRICT JUDGE